


Entered - 08/16/01 - sb  
CL01L0512 - DIANNE C. MITCHELL

01-*R*-1417

CLAIM OF: NATIONAL REHABILITATION SERVICES,  
INC., through its attorney,  
John P. Cross  
1201 Clairmont Road  
Suite 110  
Decatur, Georgia 30030-1258

For damages alleged to have been sustained as a result of  
nonpayment of worker's compensation invoices.

THIS ADVERSED REPORT IS APPROVED

BY:   
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

**Claim No. 01L0512**

Date: August 29, 2001

Claimant /Victim NATIONAL REHABILITATION SERVICES, INC.

BY: (Atty) John P. Cross

Address: 1201 Clairmont Road, Suite 110, Decatur, Georgia 30030-1258

Subrogation: \_\_\_\_\_ Claim for Property damage \$ 186,814.39 Bodily Injury \$ \_\_\_\_\_

Date of Notice: 08/06/01 Method: Written, proper X Improper           

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence Not Stated Place: 68 Mitchell Street

Department Finance Division: Worker's Compensation

Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: The claimant alleges that the City has failed to pay invoices submitted for worker's compensation services rendered to City employees. The claimant has filed a lawsuit in the Superior Court of Fulton County to resolve the issues raised in its claim.

### INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral \_\_\_\_\_

Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report \_\_\_\_\_ Other \_\_\_\_\_

Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

**BASIS OF RECOMMENDATION:**

**Function:** Governmental X Ministerial \_\_\_\_\_

Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other   X   Damages reasonable

City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_

Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_

Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

INVESTIGATOR - DIANNE C. MITCHELL

## RECOMMENDATION:

Pay \$                      Adverse X Account charged: 1A01            2J01            2H01           

Claims Manager: [Signature] Concur/date 08-29-01

Committee Action: 9 Council Action

CROSS & ROSENZVEIG  
ATTORNEYS AND COUNSELLORS AT LAW  
1201 CLAIRMONT ROAD  
SUITE 110  
DECATUR, GEORGIA 30030-1258

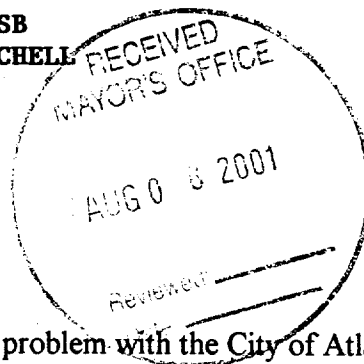
JOHN P. CROSS (GA & WV)  
BETTE E. ROSENZVEIG

404-327-4744 (VOICE)  
404-327-9936 (FAX)  
crossandrosenzv@mindspring.com

August 3, 2001

ENTERED - 8-16-01 - SB  
01L0512 - DIANNE MITCHELL

Honorable Bill Campbell  
City of Atlanta Mayor  
55 Trinity Avenue  
Atlanta, GA 30303



Dear Mr. Mayor:

Once again I am writing to you in an attempt to resolve a problem with the City of Atlanta before it becomes necessary to take legal action. You have been most responsive to our earlier requests and I sincerely believe your actions have saved the City and my clients unnecessary time and expense.

This office represents National Rehabilitation Services, Inc. and S&S Medical Management Services, Inc. These companies are two minority owned enterprises which have done business with the City for several years providing necessary services to the City's employees under its workers compensation program.

S&S Medical Management Services, Inc. has submitted invoices for services provided to the City in the total amount of \$72,951.14 which have not been paid. National Rehabilitation Services, Inc. has submitted invoices for services provided to the City in the amount of \$186,814.39 which have not been paid. All of the invoices are over 30 days old, past due and, as you know, subject to payment of penalties under the workers compensation laws.

Neither of my clients has been given a reason for the nonpayment of these invoices. Both have been told that there has been no finding of any impropriety with respect to the services provided. There has been no communication concerning the questioning of any services provided nor any attempt to discuss why payment has not been made or when it will be made. The City of Atlanta is in clear violation of the provisions of the workers compensation laws since it has refused to pay for the services rendered within the time frame required or to explain why no payment has been made.

PAGE TWO.  
Mayor Bill Campbell  
August 3, 2001

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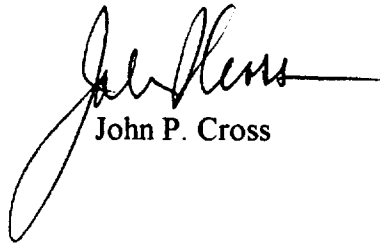
Notwithstanding the legal implications, my clients have outstanding expenses and have incurred debts with respect to the provision of the services provided. It is patently improper and unfair for the City to withhold payment for invoices which are not in question. I implore you to personally review this situation and take corrective action. I am particularly interested in an explanation for this rather strange behavior on the part of the City of Atlanta.

Please accept this as a demand for payment on the behalf of National Rehabilitation Services, Inc. in the amount of \$186,814.39 plus appropriate penalties and for payment on behalf of S&S Medical Management Services, Inc. of \$72,951.14 plus appropriate penalties.

Since these payments are already past due, we would expect these payments to be made within seven (7) working days from the date of this letter. If we do not receive an appropriate response within this time frame, we will proceed to take necessary legal action to enforce our clients' claims.

With best regards, I am

Very truly yours,



John P. Cross

JPC/ss